

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Mark McCarthy

Docket No. 7:09-CR-83-1

Petition for Action on Supervised Release

COMES NOW Chip Williams, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Mark McCarthy, who, upon an earlier plea of guilty to Wire Fraud (3 counts) in violation of 18 U.S.C. § 1343 and Conspiracy to Launder Money in violation of 18 U.S.C. §§ 1956(h) and 1957, was sentenced by the Honorable Michael A. Ponsor, U.S. District Judge for the District of Massachusetts, on March 3, 2008, to the custody of the Bureau of Prisons for a term of 1 day. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant is prohibited from possessing a firearm, destructive device, or other dangerous weapon.
2. The defendant is to pay the balance of the restitution in full during the last two years of the term of supervision.
3. The defendant is prohibited from incurring new credit charges or opening additional lines of credit without the approval of the Probation Office while any financial obligations remain outstanding.
4. The defendant is to provide the Probation Office access to any financial information, which may be shared with the Financial Litigation Unit of the U.S. Attorney's Office.
5. The defendant is to serve 12 months in home detention with electronic monitoring and the fee for the costs of the program are waived. The defendant is responsible for returning the electronic monitoring in good condition and may be charged for replacement or repair of the equipment.

Mark McCarthy was released from custody on March 3, 2008, at which time the term of supervised release commenced. Jurisdiction was transferred to the Eastern District of North Carolina effective June 29, 2009.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On March 2, 2009, the defendant executed a payment agreement establishing court indebtedness payments of \$50 per month. The payments were to commence on May 2, 2009. To date, he has made one payment totaling \$100. Mr. McCarthy is employed as a commission only salesman.

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He is married and has two minor children. The defendant has experienced sporadic financial problems. However, Mr. McCarthy has, on several occasion, reported increased earnings and promised to make significant monthly payments. He also assured the probation officer that the restitution balance would be satisfied by the end of 2010. We are addressing the noncompliance by increasing personal contacts with the defendant and utilizing the Financial Litigation Unit of the U.S. Attorney's Office to commence the process of garnishing the defendant's wages. To facilitate collection of restitution, we are recommending the term of supervision be extended an additional 24 months. The defendant signed a Waiver of Hearing agreeing to the proposed extension of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. That the term of supervision is extended 24 months from the expiration date of March 2, 2011, until March 2, 2013.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ Chip Williams
Chip Williams
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: (910) 815-4857
Executed On: January 31, 2011

ORDER OF COURT

Considered and ordered this 1st day of February, 2011, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge